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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,815

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Erik Bijpost

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3649

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7590

12/08/2010

WENDEROTH, LIND & PONACK, L.L.P.

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EXAMINER

RUMP, RICHARD M

ART UNIT

PAPER NUMBER

1736

NOTIFICATION DATE

DELIVERY MODE

12/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/574,815	Applicant(s) BIJPOST ET AL.	
	Examiner Richard M. Rump	Art Unit 1736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,9-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 7, 9-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Application

Claims 1, 3-4, 6-7, 9-13 and 15-16 are pending and presented for examination. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission has been entered.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-4, 6-7, 9-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 0220471 – Provided in IDS).

Regarding claims 1, 3, 6, 11-13 & 15 'Velzel' discloses a method for improving the crushing strength, impact resistance, and the compressibility of urea granules (page 1, lines 1-4). This methodology requires the addition of a molten urea made up of polyvinyl compounds along with an organic molecule made up of polyvinyl compounds (page 2, line 34) and an organic molecule consisting of 1-10 carbon atoms (hydroxyl, or amide groups – page 3, lines 29-31 or those mentioned in table 5) and 2-5 polar organic groups (water -- page 2, line 17). The aqueous solution of the urea additive has a minimal concentration between 100 and 10000 ppm by urea weight (0.5 to 1 wt % by

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urea (page 4, lines 14-16; page 5, lines 11-16) and since that overlaps the range instantly claimed, a *prima facie* case of obviousness exists). Such that the additive and the polyvinyl compound are one in the same

Also, claim 1 of Velzel discloses broadly applies the stipulations outlined in claim 1, the difference between that up to 10 weight percent of the additive is added which overlaps that range instantly claimed and accordingly a *prima facie* case of obviousness exists (See MPEP 2144.05).

Regarding claim 4, given the broad disclosure of claim 1, the genus of the pentaerythritol is taught.

Regarding claim 7, Velzel discloses a general formula $(\text{CHX-CHY})_n$ (page 2, line 35) where n is between 4 and 10,000 and X and Y are independent of one another and are selected from the group consisting of hydrogen atom, or a polar organic group, in such a way that the admixed amount of water is at most 5 weight % based on the amount of urea (page 2 line 36 bridging page 3 line 3).

Regarding claims 9 and 10, Velzel discloses that X is substantially a hydrogen atom (page 3, line 25) and Y is substantially a hydroxyl group (page 3, line 25, 29 and 34). 70% to 95% of Y consists of a hydroxyl group (page 3, lines 30-35).

Regarding claim 16, this claim is met by the *supra* rationale as Velzel discloses the products from these (see examples and claims 16-17).

Response to Arguments

Applicant's arguments filed 26 October 2010 have been fully considered but they are not persuasive.

Applicants argues that Velzel does not disclose the claimed limitations of instant claim 1. The Examiner notes that the additive group mentioned in Velzel as disclosed above does indeed disclose an organic compound having 1-10 carbon atoms and 1-10 polar organic groups wherein the polar organic groups are selected from the group consisting of hydroxyl, amine and /or amide groups -- Applicant acquiesces this point in their arguments (see remarks at 3) wherein they state "... [T]he reference (Velzel) teaches: Additive (CHX-CHY)_n where n is a number from 4 to 10 000 and X and Y independently of one another represent a hydrogen atom or a polar organic group such as ... hydroxyl radical, amine radical ..." which is exactly what applicants' instantly claim such that the additive and the polyvinyl compound are one in the same.

Applicant is encouraged to provide and claim an unexpected result over Velzel. If applicant feels that pentaerythritol supplies the best results then they should consider claiming it or other species similar to it.

Conclusion

Claims 1, 3-4, 6-7, 9-13 and 15-16 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Rump whose telephone number is (571) 270-5848. The examiner can normally be reached on Monday through Friday 7:00 AM-4:30 PM (-5 GMT).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571)272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M. R./
Examiner, Art Unit 1736

/Stuart Hendrickson/
Primary Examiner, Art Unit 1736